



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

**REGION I**

**5 POST OFFICE SQUARE, SUITE 100  
BOSTON, MASSACHUSETTS 02109-3912**

***CERTIFIED MAIL - RETURN RECEIPT REQUESTED***

**APR 13 2016**

Town of Lexington  
Attn: Patrick Goddard, Director of Public Facilities  
201 Bedford Street  
Lexington, Massachusetts 02420

Re: PCB Decontamination and Risk-Based Disposal Approval under 40 CFR § 761.61(c)  
and § 761.79(h)  
Jonas Clarke Middle School / Lexington, Massachusetts

Dear Mr. Goddard:

This is in response to the Town of Lexington ("the Town") Notification<sup>1</sup> for approval of a proposed plan to address PCB contamination at the Jonas Clarke Middle School ("the Site") located at 17 Stedman Road in Lexington, Massachusetts. The Site contains PCB-contaminated materials that exceed the allowable PCB levels under 40 CFR § 761.20(a), § 761.61, and § 761.62. Specifically, PCBs have been found in caulk and in the adjacent building substrate (i.e., concrete).

In the Notification, the following PCB plan is proposed:

- Remove exterior PCB caulk identified as Type CLK1, CLK2, and CLK4 and dispose as *PCB bulk product waste* in accordance with 40 CFR § 761.62
- Encapsulate adjacent building *porous surfaces* to a minimum distance of 2 inches from the former PCB caulk joint with an epoxy coating and/or other physical barrier (e.g., metal frame) and collect post-encapsulation samples to verify efficacy of the encapsulation
- Decontaminate door and window frames to a standard of less than (" $<$ ") 1  $\mu\text{g}/100\text{ cm}^2$  PCBs (directly accessible) or  $< 10\text{ }\mu\text{g}/100\text{ cm}^2$  (not directly accessible) and collected post-decontamination verification samples to confirm that the standards have been achieved.

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<sup>1</sup> The Notification was prepared by EH&E on behalf of the Town of Lexington to satisfy the requirements under 40 CFR § 761.61(a) and (c) and § 761.79(h). Information was submitted dated October 5, 2015 (Plan for Removal and Encapsulation of Building-Related PCBs ("Plan"); January 14, 2016 (Responses to EPA Comments on Plan dated November 19, 2015); January 14, 2016 (Plan, Rev. 1); April 5 and 6, 2016 (emails Responses to EPA Comments of April 4, 5, and 6 on Plan Rev. 1). These submittals shall be referred to as the "Notification".

- Prepare a long-term monitoring and maintenance plan ("MMP") and a deed notice as PCB concentrations greater than (">") 1 ppm will remain at the Site

The Town has determined that certain caulk (i.e., caulk types CLK3 and CLK7) which have PCB concentrations at < 50 ppm, meet the criteria for an *Excluded PCB Product* under 40 CFR § 761.3. Under the PCB regulations, *Excluded PCB Products* are authorized for use and thus there is no requirement for removal of the caulk or for decontamination of surfaces that are in contact with the caulk. In the event that the Town determines that these caulks do not meet the criteria for classification as an *Excluded PCB Product*, the Town shall be required to address these caulks in accordance with 40 CFR Part 761.

Based on the EPA's review of the information provided, the Notification meets the requirements under 40 CFR § 761.62 and § 761.79(h) for removal and disposal of PCB caulk and decontamination of *non-porous surfaces*, and under 40 CFR § 761.61(c) for encapsulation of *porous surfaces*. EPA has determined that the proposed risk-based disposal plan is acceptable and that the PCBs remaining at the Site will not pose an unreasonable risk of injury to health or the environment upon completion of the proposed remedial work provided that Site conditions are monitored. EPA applies this reasonable risk standard in accordance with the PCB regulations at 40 CFR § 761.61(c) and the Toxic Substances Control Act, at 15 USC § 2605(e).

The Town may proceed with its project in accordance with 40 CFR §§ 761.61(c) and 761.79(h); 40 CFR § 761.62(a); its Notification; and, this Approval, subject to the conditions of Attachment 1. EPA expects the Town to continue its outreach to the school users on this project, including maintaining the information on its website.

Under this Approval, EPA is reserving its right to require additional investigation or mitigation measures should the results of the long-term maintenance and monitoring indicate an unreasonable risk of injury to building users. Please be aware that this Approval does not address cleanup of soil at the Site. As soil sampling will be conducted, in the event the Town identifies PCBs at > 1 ppm in Site soil, cleanup and disposal of the PCBs shall be required in accordance with 40 CFR Part 761 (see Attachment 1, Condition 2.)

This Approval does not release the Town from any applicable requirements of TSCA or of any other federal, state or local law, including the requirements related to cleanup and disposal of PCBs or other contaminants on the property under the Massachusetts Department of Environmental Protection regulations.

EPA encourages the compliance with greener cleanup practices for all cleanup projects, and recommends adherence to the ASTM Standard Guide to Greener Cleanups E2893-13 (Guide) for work conducted under this Approval and the Notification. Greener cleanups is the practice of integrating options that minimize the environmental impacts of cleanup actions in order to incorporate practices that maximize environmental and human benefit. Please see Section 6 of the Guide for the Best Management Practices (BMP) Process dated December 19, 2013. (See [www.astm.org/Standards/E2893.htm](http://www.astm.org/Standards/E2893.htm) for additional information) EPA encourages you to review the Guide and implement any practices that are feasible. If implemented, the PCB completion report (see Attachment 1, Condition 27) should include a section on BMP Documentation, as described in Section 6.6.5 of the Guide.



Questions and correspondence regarding this Approval should be directed to:

Kimberly N. Tisa, PCB Coordinator (OSRR07-2)  
United States Environmental Protection Agency  
5 Post Office Square, Suite 100  
Boston, Massachusetts 02109-3912  
Telephone: (617) 918-1527  
Facsimile: (617) 918-0527

EPA shall consider this project complete only when it has received documents evidencing construction of the physical control (e.g., encapsulant or other barrier), adoption of the deed restriction, acceptable post-abatement indoor air PCB concentrations, and establishment of a long-term maintenance and monitoring plan. Please be aware that upon EPA receipt and review of the submittals, EPA may request any additional information necessary to establish that the work has been completed in accordance with 40 CFR Part 761, the Notification, and this Approval.

Sincerely,

A handwritten signature in black ink, appearing to read 'B. Olson', with a long horizontal flourish extending to the right.

Bryan Olson, Director  
Office of Site Remediation & Restoration

cc Matt Fragala, EH&E  
MassDEP - NERO  
File

Attachment 1: PCB Approval Conditions

## ATTACHMENT 1

**PCB DECONTAMINATION AND RISK-BASED DISPOSAL  
APPROVAL CONDITIONS  
JONAS CLARKE MIDDLE SCHOOL ("the Site")  
17 STEDMAN ROAD / LEXINGTON, MASSACHUSETTS**

### GENERAL CONDITIONS

1. This Approval is granted under the authority of Section 6(e) of the Toxic Substances Control Act (TSCA), 15 U.S.C. § 2605(e), and the PCB regulations at 40 CFR Part 761, and applies solely to the *PCB bulk product waste* and *PCB remediation waste* located at the Site and identified in the Notification.<sup>2</sup>
  - a. In the event that the Town of Lexington ("the Town") identifies other PCB-contaminated wastes (i.e., PCBs not identified in the Notification) subject to cleanup and disposal under the PCB regulations, the Town will be required to notify EPA and to clean up the PCB-contaminated wastes in accordance with 40 CFR Part 761.
  - b. The Town may submit a separate plan to address such other PCB-contaminated wastes or may modify the Notification to incorporate cleanup of such PCB-contaminated wastes under this Approval in accordance with Condition 20.
2. This Approval does not include cleanup of PCB-contaminated soil. The Town shall provide a soil sampling plan to EPA for review and/or comment prior to conducting sampling. In the event that PCB concentrations greater than (">") 1 part per million ("ppm") are identified in soil, the Town may submit a separate plan to address the PCB-contaminated soil with > 1 ppm or may modify the Notification to incorporate cleanup of these PCBs under this Approval in accordance with Condition 20.
3. The Town shall conduct on-site activities in accordance with the conditions of this Approval and with the Notification.
4. In the event that the cleanup plan described in the Notification differs from the conditions specified in this Approval, the conditions of this Approval shall govern.
5. The terms and abbreviations used herein shall have the meanings as defined in 40 CFR § 761.3 unless otherwise defined within this Approval.

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<sup>2</sup> The Notification was prepared by EH&E on behalf of the Town of Lexington to satisfy the requirements under 40 CFR § 761.61(a) and (c) and § 761.79(h). Information was submitted dated October 5, 2015 (Plan for Removal and Encapsulation of Building-Related PCBs ("Plan"); January 14, 2016 (Responses to EPA Comments on Plan dated November 19, 2015); January 14, 2016 (Plan, Rev. 1); April 5 and 6, 2016 (email Responses to EPA Comments of April 4, 5, and 6, 2016 on Plan Rev. 1). These submittals shall be referred to as the "Notification".



6. The Town must comply with all applicable federal, state and local regulations in the storage, handling, and disposal of all PCB wastes, including PCBs, PCB Items and decontamination wastes generated under this Approval. In the event of a new spill during response actions, the Town shall contact EPA within 24 hours for direction on PCB cleanup and sampling requirements.
7. The Town is responsible for the actions of all officers, employees, agents, contractors, subcontractors, and others who are involved in activities conducted under this Approval. If at any time the Town has or receives information indicating that the Town or any other person has failed, or may have failed, to comply with any provision of this Approval, it must report the information to EPA in writing within 24 hours of having or receiving the information.
8. This Approval does not constitute a determination by EPA that the transporters or disposal facilities selected by the Town are authorized to conduct the activities set forth in the Notification. The Town is responsible for ensuring that its selected transporters and disposal facilities are authorized to conduct these activities in accordance with all applicable federal, state and local statutes and regulations.
9. This Approval does not: 1) waive or compromise EPA's enforcement and regulatory authority; 2) release the Town from compliance with any applicable requirements of TSCA or any other federal, state or local law; or 3) release the Town from liability for, or otherwise resolve, any violations of TSCA or any other federal, state or local law.
10. Failure to comply with the Approval conditions specified herein shall constitute a violation of the requirement in § 761.50(a) to store or dispose of PCB waste in accordance with 40 CFR Part 761 Subpart D.

#### **NOTIFICATION AND CERTIFICATION CONDITIONS**

11. This Approval may be revoked if the EPA does not receive written notification from the Town of its acceptance of the conditions of this Approval within 10 business days of receipt.
12. The Town shall submit the following information for EPA review and/or approval:
  - a. a certification signed by its selected abatement/renovation contractor, stating that the contractor(s) has read and understands the Notification, and agrees to abide by the conditions specified in this Approval;
  - b. a contractor work plan, prepared and submitted by the selected demolition or abatement contractor(s) describing the containment and air monitoring that will be employed during abatement activities. This work plan should also include information on the handling, storage, and disposal for all wastes and how field equipment will be decontaminated; and,

- c. a certification signed by the selected analytical laboratory, stating that the laboratory has read and understands the extraction and analytical method requirements and quality assurance requirements specified in the Notification and in this Approval.

### **DECONTAMINATION AND DISPOSAL CONDITIONS**

- 13. To the maximum extent practical, engineering controls, such as barriers, and removal techniques, such as the use of HEPA ventilated tools, shall be utilized during removal processes. In addition, to the maximum extent possible, disposable equipment and materials, including PPE, will be used to reduce the amount of decontamination necessary.
- 14. All visible residues of PCB-contaminated caulk (i.e., *PCB bulk product waste*) shall be removed and PCB-contaminated *non-porous* and *porous surfaces* shall be decontaminated or encapsulated as described in the Notification.
  - a. Post-encapsulation sampling of *porous surfaces* (i.e., concrete) shall be performed on a surface area basis by the standard wipe test as specified in 40 CFR § 761.123 (i.e.  $\mu\text{g}/100\text{ cm}^2$ ). Chemical extraction for PCBs shall be conducted using Method 3500B/3540C of SW-846 and chemical analysis for PCBs shall be conducted using Method 8082 of SW-846, unless another method(s) is validated according to Subpart Q. The laboratory reporting limit shall be less than or equal to (" $\leq$ ")  $0.5\text{ }\mu\text{g}/100\text{ cm}^2$ .
  - b. The decontamination standard for directly accessible *non-porous surfaces* (i.e., window/door frames on ground and first level surfaces) shall be  $\leq 1\text{ }\mu\text{g}/100\text{ cm}^2$  PCBs. The decontamination standard for not directly accessible *non-porous surfaces* (i.e., window/door frames on second and third level surfaces) shall be  $\leq 10\text{ }\mu\text{g}/100\text{ cm}^2$  PCBs.
    - i) All post-decontamination verification sampling of *non-porous surfaces* shall be performed on a surface area basis by the standard wipe test as specified in 40 CFR § 761.123 (i.e.  $\mu\text{g}/100\text{ cm}^2$ ) and samples shall be collected as described in the Notification.
    - ii) Chemical extraction for PCBs shall be conducted using Methods 3500B/3540C of SW-846 and chemical analysis for PCBs shall be conducted using Method 8082 of SW-846, unless another method(s) is validated according to Subpart Q.
    - iii) In the event any wipe sample result for decontaminated *non-porous surfaces* exceeds the required decontamination standard, the Town shall contact EPA for further discussion and direction on alternatives or other requirements.



15. The Town shall conduct indoor air and surface wipe sampling following completion of all PCB remediation activities, including encapsulation.
  - a. Wipe sampling of non-encapsulated indoor surfaces shall be performed on a surface area basis by the standard wipe test as specified in 40 CFR § 761.123 (i.e.  $\mu\text{g}/100\text{ cm}^2$ ). Chemical extraction for PCBs shall be conducted using Method 3500B/3540C of SW-846 and chemical analysis for PCBs shall be conducted using Method 8082 of SW-846, unless another method(s) is validated according to Subpart Q. The laboratory reporting limit shall be  $\leq 0.5\text{ }\mu\text{g}/100\text{ cm}^2$ .
  - b. Indoor air sampling shall be conducted for PCBs in accordance with EPA Method TO-10A or EPA Method TO-4A. Sufficient sample volumes shall be collected to provide a laboratory reporting limit of  $\leq 0.050\text{ }\mu\text{g}/\text{m}^3$  for total PCBs. PCB analysis shall be conducted for PCB homologues and/or PCB congeners.
  - c. In the event that the PCB concentration of any wipe sample is greater than (" $>$ ")  $1\text{ }\mu\text{g}/100\text{ cm}^2$  or if any indoor air sample is  $> 300\text{ ng}/\text{m}^3$ , the Town shall contact EPA for further discussion and direction on alternatives or other requirements.
16. PCB waste (at any concentration) generated as a result of the activities described in the Notification, excluding any decontaminated materials, shall be marked in accordance with 40 CFR § 761.40; stored in a manner consistent with 40 CFR § 761.65; and, disposed of in accordance with 40 CFR § 761.61 or § 761.62, unless otherwise specified below.
  - a. Decontamination wastes and residues shall be disposed of in accordance with 40 CFR § 761.79(g)(6).
  - b. Moveable equipment, tools, and sampling equipment shall be decontaminated in accordance with either 40 CFR § 761.79(b)(3)(i)(A), § 761.79(b)(3)(ii)(A), or § 761.79(c)(2).
  - c. PCB-contaminated water generated during decontamination shall be decontaminated in accordance with 40 CFR § 761.79(b)(1) or disposed of under § 761.60.

#### **DEED RESTRICTION AND USE CONDITIONS**

17. Within thirty (30) days of completing the PCB remediation work described in the Notification and authorized in this Approval, the Town shall submit for EPA review and approval, a draft deed restriction for the Site. The deed restriction shall include: a description of the extent and levels of contamination at the Site following remediation; a description of the actions taken at the Site; a description of the use restrictions for the Site, if applicable; and the long-term monitoring and maintenance requirements on the Site, which may be addressed by the long-term monitoring and maintenance plan

("MMP", see Condition 18). Within ten (10) business days of receipt of EPA's approval of the draft deed restriction, the Town shall record the deed restriction. A copy of this Approval shall be attached to the deed restriction.

### **INSPECTION, MODIFICATION AND REVOCATION CONDITIONS**

18. Within 60 days of completion of the work authorized under this Approval, the Town shall submit for EPA's review and approval, a detailed MMP and shall incorporate any changes to the MMP required by EPA.
  - a. The MMP shall include: a description of the activities that will be conducted, including inspection criteria, frequency, and routine maintenance activities; sampling protocols, sampling frequency, and analytical criteria; and, reporting requirements, as applicable.
  - b. The MMP shall include a communications component which details how the maintenance and monitoring results will be communicated to the Site users, including teachers, parents, students, other on-site workers, and interested stakeholders.
  - c. The MMP also shall include a worker training component for maintenance workers or for any person that will be conducting work that could impact the barriers encapsulating the PCB-contaminated surfaces.
  - d. The Town shall submit the results of these long-term monitoring and maintenance activities to EPA. Based on its review of the results, EPA may determine that modification to the MMP is necessary in order to monitor and/or evaluate the long-term effectiveness of the barriers.
  - e. Activities required under the MMP shall be conducted until such time that EPA determines, in writing, that such activities are no longer necessary.
  - f. A copy of the MMP shall be attached to the deed restriction, see Condition 17.
19. The Town shall allow any authorized representative of the Administrator of the EPA to inspect the Site and to inspect records and take samples as may be necessary to determine compliance with the PCB regulations and this Approval. Any refusal by the Town to allow such an inspection (as authorized by Section 11 of TSCA) shall be grounds for revocation of this Approval.



20. Any modification(s) in the plan, specifications, and information submitted by the Town, contained in the Notification, and forming the basis upon which this Approval has been issued, must receive prior written approval from the EPA. The Town shall inform the EPA of any modification, in writing, at least ten (10) days prior to such change. No action may be taken to implement any such modification unless the EPA has approved of the modification, in writing. The EPA may request additional information in order to determine whether to approve the modification.
21. If such modification involves a change in the use of the Site which results in exposures not considered in the Notification, the EPA may revoke, suspend, and/or modify this Approval upon finding that this risk-based disposal action may pose an unreasonable risk of injury to health or the environment due to the change in use. EPA may take similar action if the EPA does not receive requested information needed from the Town to make a determination regarding potential risk.
22. The Town shall record any amendment to the deed restriction, resulting from any approved change or modification(s), within sixty (60) days of such change(s). (See Condition 17).
23. Any departure from the conditions of this Approval without prior, written authorization from the EPA may result in the revocation, suspension and/or modification of the Approval, in addition to any other legal or equitable relief or remedy the EPA may choose to pursue.
24. Any misrepresentation or omission of any material fact in the Notification or in any future records or reports may result in the EPA's revocation, suspension and/or modification of the Approval, in addition to any other legal or equitable relief or remedy the EPA may choose to pursue.
25. Approval for these activities may be revoked, modified or otherwise altered if: EPA finds a violation of the conditions of this Approval or of 40 CFR Part 761, including EPA's PCB Spill Cleanup Policy, or other applicable rules and regulations; EPA finds that the PCBs remaining at the Site present an unreasonable risk of injury to public health or the environment; EPA finds that the institutional and engineered controls are not effective in preventing PCB exposure; EPA finds that there is migration of PCBs from the Site; or EPA finds that changes are necessary to comply with new rules, standards, or guidance for such approvals. The Town may apply for appropriate modifications in the event new rules, standards, or guidance come into effect.

**RECORDKEEPING AND REPORTING CONDITIONS**

26. The Town shall prepare and maintain all records and documents required by 40 CFR Part 761, including but not limited to the records required under Subparts J and K. The Town shall maintain a written record of the cleanup and disposal and the analytical sampling in one centralized location, until such time as EPA approves in writing a request for an alternative disposition of such records. All records shall be made available for inspection to authorized representatives of EPA.
27. The Town shall submit a Final Completion Report ("Report") to the EPA in both paper and electronic format (e.g., CD-ROM) within 90 days of completion of the activities described under this Approval. At a minimum, the Report shall include: a discussion of the project activities including photo-documentation and Greener Cleanups BMPs, if implemented; characterization and confirmation sampling analytical results; copies of the accompanying analytical chains of custody; field and laboratory quality control/quality assurance checks; an estimate of the quantity of PCBs removed and disposed off-site; copies of manifests and bills of lading or equivalent; and, copies of certificates of disposal or similar certifications issued by the disposer, as applicable. The Report shall also include a copy of the recorded deed restriction and a certification signed by a Town official verifying that the authorized activities have been implemented in accordance with this Approval and the Notification.
28. As required under Condition 18 of this Approval, the Town shall submit the results of the long-term monitoring and maintenance activities to EPA as specified in the final MMP to be approved by EPA.
29. Required submittals shall be mailed to:  
  
Kimberly N. Tisa, PCB Coordinator  
United States Environmental Protection Agency  
5 Post Office Square, Suite 100 – (OSRR07-2)  
Boston, Massachusetts 02109-3912  
Telephone: (617) 918-1527  
Facsimile: (617) 918-0527
30. No record, report or communication required under this Approval shall qualify as a self-audit or voluntary disclosure under EPA audit, self-disclosure or penalty policies.

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**END OF ATTACHMENT 1**